

M E M O R A N D U M

DATE: June 8, 2018
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2018-0249-A – Appeal Period Expired

The appeal period for the above-referenced case expired on June 7, 2018. There being no appeal filed, the subject file is ready for return to the Zoning Review Office and is placed in the 'pick up box.'

c: / Case File
Office of Administrative Hearings

IN RE: PETITION FOR ADMIN. VARIANCE
(3423 Terrapin Road)
3rd Election District
2nd Council District
Moshe & Muriel Assouline-Shoshan
Petitioners

* BEFORE THE
* OFFICE OF ADMINISTRATIVE
* HEARINGS FOR
* BALTIMORE COUNTY
* **CASE NO. 2018-0249-A**

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (“OAH”) as a Petition for Administrative Variance filed by the legal owners of the property, Moshe & Muriel Assouline-Shoshan (“Petitioners”). The Petitioners are requesting variance relief from § 1B02.3.C.1 of the Baltimore County Zoning Regulations (“BCZR”) to permit a proposed enclosed addition as follows: (1) For the side yard width to the west to be 12 ft. in lieu of the minimum width of an individual side yard of 15 ft., (2) For the sum of the width of the side yards to be 33 ft. in lieu of the minimum sum of 40 ft., and (3) For the existing lot width of the front yard of 92 ft. in lieu of the minimum lot width of 100 ft. The subject property and requested relief is more fully depicted on the site plan that was marked and accepted into evidence as Petitioners’ Exhibit 1.

The Baltimore County Code (“BCC”) requires that a property be owner occupied in order to qualify for administrative variance relief. State records in this case reflect the property was not the owners’ principal residence and a public hearing is usually required in this scenario. On May 7, 2018, a signed Affidavit with notary seal was received from Petitioners (via counsel) attesting to the fact that Petitioners own, occupy and reside year round, and consider 3423 Terrapin Road to be their principal residence.

ORDER RECEIVED FOR FILING

Date 5-8-18

By MS

The Zoning Advisory Committee ("ZAC") comments were received and are made part of the record of this case. There were no adverse ZAC comments received from any of the County reviewing agencies.

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on March 30, 2018, and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioners have filed the supporting affidavits as required by Section 32-3-303 of the BCC. Based upon the information available, there is no evidence in the file to indicate that the requested variance would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion of the Administrative Law Judge, the information, photographs, and affidavits submitted provide sufficient facts that comply with the requirements of Section 307.1 of the BCZR. Furthermore, strict compliance with the BCZR would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

Pursuant to the posting of the property and the provisions of both the BCC and the BCZR, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED, this 8th day of **May, 2018**, by the Administrative Law Judge for Baltimore County, that the Petition for Variance seeking relief from § 1B02.3.C.1 of the Baltimore County Zoning Regulations ("BCZR") to permit a proposed enclosed addition as follows: (1) For the side yard width to the west to be 12 ft. in lieu of the minimum width of an individual side yard of 15 ft., (2) For the sum of the width of the side yards to be 33 ft. in lieu of the minimum sum of 40 ft., and (3) For the existing lot width of the front yard of 92 ft. in lieu of the minimum lot width of 100 ft., be and is hereby GRANTED.

ORDER RECEIVED FOR FILING

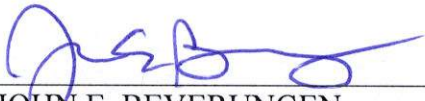
Date 5-8-18

By [Signature]

The relief granted herein shall be subject to the following:

- Petitioners may apply for their appropriate permits and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at his own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, Petitioners would be required to return, and be responsible for returning, said property to its original condition.

Any appeal of this decision must be made within thirty (30) days of the date of this Order.



JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB:dlw

ORDER RECEIVED FOR FILING

Date 5-8-18

By DLW



ADMINISTRATIVE ZONING PETITION

FOR ADMINISTRATIVE VARIANCE – OR – ADMINISTRATIVE SPECIAL HEARING

To be filed with the Department of Permits, Approvals and Inspections

To the Office of Administrative Law of Baltimore County for the property located at:

Address 3423 Terrapin Road

which is presently zoned DR2

Deed Reference 26184/00340

10 Digit Tax Account # 0 3 1 3 0 4 2 0 6 0

Property Owner(s) Printed Name(s) Moshe Shoshan & Muriel Assouline-Shoshan

(SELECT THE HEARING(S) BY MARKING **X** AT THE APPROPRIATE SELECTION(S) AND ADDING THE PETITION REQUEST)
Administrative Variances require that the Affidavit on the reverse of this Petition Form be completed / notarized.

The undersigned legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a

1. **X** **ADMINISTRATIVE VARIANCE** from section(s)

See attached.

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County.

2. **ADMINISTRATIVE SPECIAL HEARING** to approve a waiver pursuant to Sections 32-4-107(b), 32-4-223.(8), and Section 32-4- 416(a)(2): (indicate type of work in this space to raze, alter or construct addition to building)

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County.

Property is to be posted and advertised as prescribed by the zoning regulations.

I, or we, agree to pay expenses of above petition(s), advertising, posting, etc. and further agree to and are to be bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

Legal Owner(s) Affirmation: I / we do so solemnly declare and affirm, under the penalties of perjury, that I / We are the legal owner(s) of the property which is the subject of this / these Petition(s).

Contract Purchaser/Lessee:

N/A

Name- Type or Print

Signature

Mailing Address City State

Zip Code Telephone # Email Address

Attorney for Petitioner:

Jason T. Vettori

Name- Type or Print

Signature

600 Washington Ave., Suite 200 Towson MD

Mailing Address City State

21204 410-821-0070 jvettori@sgs-law.com

Zip Code Telephone # Email Address

Legal Owners:

Moshe Shoshan

Muriel Assouline-Shoshan

Name #1 – Type or Print

Name #2 – Type or Print

Signature #1

Signature #2

3423 Terrapin Road Baltimore MD

Mailing Address City State

21208 443-722-0712 moshe@foreverwireless.net

Zip Code Telephone # Email Address

Representative to be contacted:

Jason T. Vettori

Name – Type or Print

Signature

600 Washington Ave., Suite 200 Towson MD

Mailing Address City State

21204 410-821-0070 jvettori@sgs-law.com

Zip Code Telephone # Email Address

A PUBLIC HEARING having formally demanded and/or found to be required, it is ordered by the Office of Administrative Law, of Baltimore County, this _____ day of _____, _____ that the subject matter of this petition be set for a public hearing, advertised, as required by the zoning regulations of Baltimore County and that the property be reposted.

ORDER RECEIVED FOR FILING

Administrative Law Judge of Baltimore County

Date 5-8-18 CASE NUMBER 2018-0249-A Filing Date 3/9/18 Estimated Posting Date 4/1/18 Reviewer AT
 By [Signature] -4/16/18 Rev 10/12/11

Affidavit in Support of Administrative Variance

(THIS AFFIDAVIT IS NOT REQUIRED FOR AN HISTORIC ADMINISTRATIVE SPECIAL HEARING)

The undersigned hereby affirms under the penalties of perjury to the Administrative Law Judge of Baltimore County, the following: That the information herein given is within the personal knowledge of the Affiant(s) and that the Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

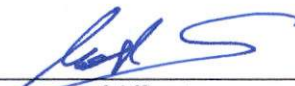
That the property is not under an active zoning violation citation and Affiant(s) is/are the resident home owner(s) of this residential lot, or is/are the contract purchaser(s) of this residential lot, who will, upon purchase, reside at the existing dwelling on said property located at:

Address: 3423 Terrapin Road Pikesville MD 21208
Print or Type Address of property City State Zip Code

Based upon personal knowledge, the following are the facts which I/we base the request for an Administrative Variance at the above address. (Clearly state practical difficulty or hardship here)

See attached.

(If additional space for the petition request or the above statement is needed, label and attach it to this Form)


Signature of Affiant

Moshe Shoshan
Name- Print or Type


Signature of Affiant

Muriel Assouline-Shoshan
Name- Print or Type

The following information is to be completed by a Notary Public of the State of Maryland

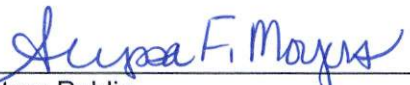
STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 9th day of March, 2018, before me a Notary of Maryland, in and for the County aforesaid, personally appeared

Moshe Shoshan and Muriel Assouline-Shoshan
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s) (Print name(s) here)

AS WITNESS my hand and Notaries Seal




Notary Public
2/12/2021
My Commission Expires

2018-0549-A

Administrative Variance from Section(s):
(for 3423 Terrapin Road)

1B02.3.C.1 of the BCZR as follows:

- (1) For the side yard width to the west to be 12' in lieu of the minimum width of an individual side yard of 15';
- (2) For the sum of the width of the side yards to be 33' in lieu of the minimum sum of 40'; and
- (3) For the existing lot width of the front yard of 92' in lieu of the minimum lot width of 100'.

2018--0249-A

Practical Difficulty or Hardship
for 3423 Terrapin Road

The instant relief being requested is on account of the fact that the property owners want to enclose the existing carport or open porch (hereinafter called a "carport") for security purposes and protection of their belongings from the damaging effects of the elements.

The carport and principal dwelling were both constructed in 1960. The current property owners purchased the property in 2007. Recognizing the advantages to enclosing the carport, the property owners attempted to enclose the carport themselves. However, they did not obtain a permit before commencing the work. An anonymous complaint was made to Code Enforcement that work was being performed without a permit. In addition to needing to obtain a permit, the inspector told them that they would need to obtain a variance to enclose the carport. Code enforcement authorized him to seek the instant relief in order to lawfully obtain a building permit rather than pursuing a citation.

As illustrated on the plan showing the subject site and the immediately adjoining properties, none of them comply with the current regulations regarding existing lots in D.R. Zones, BCZR § 1B02.3.C.1. By way of example, and not by limitation, the principal structures on the adjoining properties are located within the minimum required front yard setback of 40'. Under the current regulations, the front yard width of the subject site, 92.28', is less than the minimum required yard width of 100'. Due to the irregular shape of the property, which is ice cream cone shaped on account of the street which it fronts on being on a sharp turn, the rear property width of 133.22' is well above the minimum yard width requirement.

Carports are entitled to a 25% reduction of the individual side yard and sum of side yard setbacks, as provided in BCZR Section 301.1.A. The subject site is zoned D.R. 2, so those setbacks are 15' and 40', respectively. By enclosing the carport, which shares a roofline with the principal structure and has been there since 1960, an administrative variance is necessitated. The carport is there. Enclosing it will not only afford the property owners additional security and protection for their belongings, but it will also afford some additional privacy for their neighbors, in particular those neighbors to the west. Therefore, the relief requested is in the spirit of the applicable regulations and will not be detrimental to the public health, safety and welfare of the community.

2018-0249-A

Property Description

Beginning at a point on the south side of Terrapin Road which is a right-of-way which is 50 feet wide at the distance of 38 feet to the centerline of Winterset Avenue.

Being lot number 28, block A, as shown on a Plat entitled, "Section Four of Dumbarton Heights", which Plat is recorded among the Plat Records of Baltimore County in Plat Book W.J.R. No. 26, folio 44. Located in the third election district and second councilmanic district.

The improvements there on being known as number 3423 Terrapin Rd.

2018-0249-A

CERTIFICATE OF POSTING

ATTENTION: KRISTEN LEWIS

DATE: 3/31/2018

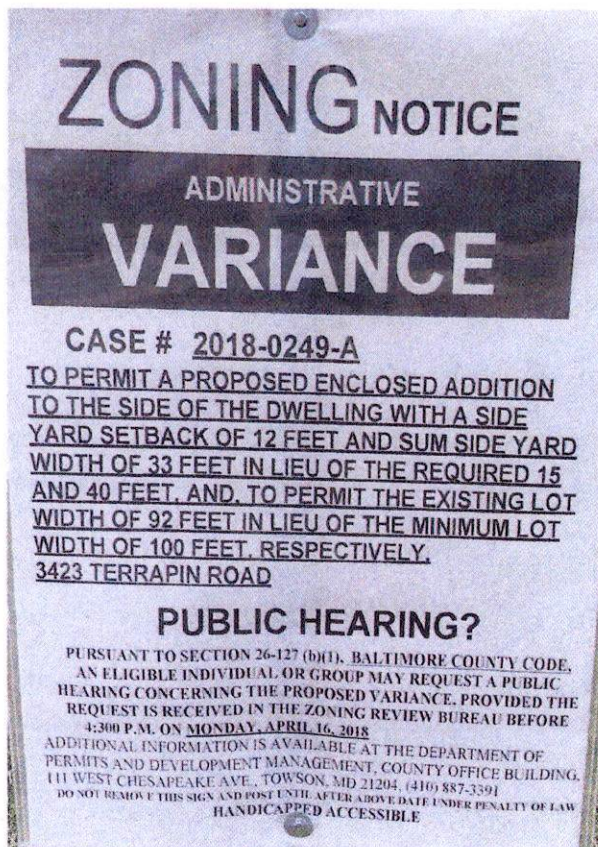
Case Number: 2018-0249-A

Petitioner / Developer: SMITH, GILDEA & SCHMIDT, LLC ~
MOSHE SHOSHAN

Date of CLOSING: APRIL 16, 2018

This is to certify under the penalties of perjury that the necessary sign(s)
required by law were posted conspicuously on the property located at:
3423 TERRAPIN ROAD

The sign(s) were posted on: MARCH 30, 2018



Linda O'Keefe
(Signature of Sign Poster)

Linda O'Keefe
(Printed Name of Sign Poster)

523 Penny Lane
(Street Address of Sign Poster)

Hunt Valley, Maryland 21030
(City, State, Zip of Sign Poster)

410 - 666 - 5366
(Telephone Number of Sign Poster)

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 2018- 0249 - A Address 3423 Terrapin Road

Contact Person: Aaron Tsui Phone Number: 410-887-3391
Planner, Please Print Your Name

Filing Date: 03/19/2018 Posting Date: 04/01/18 Closing Date: 04/16/18

Any contact made with this office regarding the status of the administrative variance should be through the contact person (planner) using the case number.

1. **POSTING/COST:** The petitioner must use one of the sign posters on the approved list (on the reverse side of this form) and the petitioner is responsible for all printing/posting costs. Any reposting must be done only by one of the sign posters on the approved list and the petitioner is again responsible for all associated costs. The zoning notice sign must be visible on the property on or before the posting date noted above. It should remain there through the closing date.
2. **DEADLINE:** The closing date is the deadline for an occupant or owner within 1,000 feet to file a formal request for a public hearing. Please understand that even if there is no formal request for a public hearing, the process is not complete on the closing date.
3. **ORDER:** After the closing date, the file will be reviewed by the zoning or deputy zoning commissioner. He may: (a) grant the requested relief; (b) deny the requested relief; or (c) order that the matter be set in for a public hearing. You will receive written notification, usually within 10 days of the closing date if all County agencies' comments are received, as to whether the petition has been granted, denied, or will go to public hearing. The order will be mailed to you by First Class mail.
4. **POSSIBLE PUBLIC HEARING AND REPOSTING:** In cases that must go to a public hearing (whether due to a neighbor's formal request or by order of the zoning or deputy zoning commissioner), notification will be forwarded to you. The sign on the property must be changed giving notice of the hearing date, time and location. As when the sign was originally posted, certification of this change and a photograph of the altered sign must be forwarded to this office.

(Detach Along Dotted Line)

Petitioner: This Part of the Form is for the Sign Poster Only

USE THE ADMINISTRATIVE VARIANCE SIGN FORMAT

Case Number 2018- 0249 -A Address 3423 Terrapin Road

Petitioner's Name: Moshe Shoshan Telephone 443-722-0712

Posting Date: 04/01/18 Closing Date: 04/16/2018

Wording for Sign: To permit a proposed enclosed addition to the side of the dwelling with a side yard setback of 12 feet and sum side yard width of 33 feet in lieu of the required 15 and 40 feet, and, to permit the existing lot width of 92 feet in lieu of the minimum lot width of 100 feet, respectively.

166127

Date:

3/19/18

CHINA

DATE	TIME	ACTUAL	TIME
10/1/55	10:00	10:00	10:00
10/2/55	10:00	10:00	10:00
10/3/55	10:00	10:00	10:00
10/4/55	10:00	10:00	10:00
10/5/55	10:00	10:00	10:00
10/6/55	10:00	10:00	10:00
10/7/55	10:00	10:00	10:00
10/8/55	10:00	10:00	10:00
10/9/55	10:00	10:00	10:00
10/10/55	10:00	10:00	10:00
10/11/55	10:00	10:00	10:00
10/12/55	10:00	10:00	10:00
10/13/55	10:00	10:00	10:00
10/14/55	10:00	10:00	10:00
10/15/55	10:00	10:00	10:00
10/16/55	10:00	10:00	10:00
10/17/55	10:00	10:00	10:00
10/18/55	10:00	10:00	10:00
10/19/55	10:00	10:00	10:00
10/20/55	10:00	10:00	10:00
10/21/55	10:00	10:00	10:00
10/22/55	10:00	10:00	10:00
10/23/55	10:00	10:00	10:00
10/24/55	10:00	10:00	10:00
10/25/55	10:00	10:00	10:00
10/26/55	10:00	10:00	10:00
10/27/55	10:00	10:00	10:00
10/28/55	10:00	10:00	10:00
10/29/55	10:00	10:00	10:00
10/30/55	10:00	10:00	10:00
10/31/55	10:00	10:00	10:00

3/20/2018 3:19/2018 10:26:75

REC-1001 - MALIN - 100

RECEIVED 3/19/2019

Test 5: 500 ZONE VERIFICATION

CE 102 155127

Exhibit Int	175.00
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\$75.00 OK 1 2.00 CA

Admission County, Maryland

[illegible]

Total:

15

From:

For:

3423 TERRAPIN RD

2018-0249-A

DISTRIBUTION

WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER GOLD - ACCOUNTING

PLEASE PRESS HARD!!!!

**CASHIER'S
VALIDATION**



KEVIN KAMENETZ
County Executive

ARNOLD JABLON
*Deputy Administrative Officer
Director, Department of Permits,
Approvals & Inspections*

April 17, 2018

Moshe Shoshan & Muriel Assouline-Shoshan
3423 Terrapin Road
Baltimore MD 21208

RE: Case Number: 2018-0249 A, Address: 3423 Terrapin Road

Dear Mr. & Ms. Shoshan:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on March 19, 2018. This letter is not an approval, but only a **NOTIFICATION**.

The Zoning Advisory Committee (ZAC), which consists of representatives from several approval agencies, has reviewed the plans that were submitted with your petition. All comments submitted thus far from the members of the ZAC are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to ensure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. All comments will be placed in the permanent case file.

If you need further information or have any questions, please do not hesitate to contact the commenting agency.

Very truly yours,

A handwritten signature in black ink that reads "W. Carl Richards, Jr." The signature is written in a cursive, flowing style.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: jaw

Enclosures

c: People's Counsel
Jason T Vettori, Esquire, 600 Washington Avenue, Suite 200, Towson MD 21204

Date: 3/26/18

Ms. Kristen Lewis
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
111 West Chesapeake Avenue
Towson, Maryland 21204

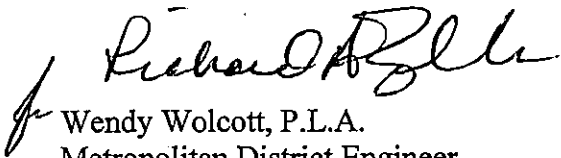
Dear Ms. Lewis:

Thank you for the opportunity to review your referral request on the subject of the Case number referenced below. We have determined that the subject property does not access a State roadway and is not affected by any State Highway Administration projects. Therefore, based upon available information this office has no objection to Baltimore County Zoning Advisory Committee approval of Case No. 2018-0249A

*Administrative Variance.
Moshe & Maribel Assouline Shoshon
3423 Terrapin Road.*

Should you have any questions regarding this matter, please contact Mr. Richard Zeller at 410-229-2332 or 1-866-998-0367 (in Maryland only) extension 2332, or by email at (rzeller@sha.state.md.us).

Sincerely,



Wendy Wolcott, P.L.A.
Metropolitan District Engineer
Maryland Department of Transportation
State Highway Administration
District 4 - Baltimore and Harford Counties

WW/RAZ

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits, Approvals
And Inspections

DATE: April 20, 2018

FROM: Vishnu Desai, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For April 02, 2018
Item No. 2018-0246-A, 0248-A, 0249-A, 0250-A, 0252-SPHA, 0253-A and
0254-A

The Bureau of Development Plans Review has reviewed the subject zoning items and we have no comments.

*

*

*

*

*

VKD: cen
cc: file

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



TO: Hon. Lawrence M. Stahl; Managing Administrative Law Judge
Office of Administrative Hearings

FROM: Jeff Livingston, Department of Environmental Protection and
Sustainability (EPS) - Development Coordination

DATE: March 28, 2018

SUBJECT: DEPS Comment for Zoning Item # 2018-0249-A
Address 3423 Terrapin Road
(Shoshan Property)

Zoning Advisory Committee Meeting of **April 2, 2018**

X The Department of Environmental Protection and Sustainability has no
comment on the above-referenced zoning item.

Reviewer: Steve Ford



KEVIN KAMENETZ
County Executive

LAWRENCE M. STAHL
Managing Administrative Law Judge
JOHN E. BEVERUNGEN
Administrative Law Judge

April 23, 2018

Jason t. Vettori, Esq.
Smith, Gildea & Schmidt
600 Washington Avenue, Suite 200
Towson, MD 21204

Re: Petition for Administrative Variance
Case No. 2018-0249-A
Property: 3423 Terrapin Road, 21208

Dear Mr. Vettori:

I am writing in regard to the above captioned matter, wherein an administrative variance has been requested. The Baltimore County Code ("BCC") requires that a property be **owner occupied** in order to qualify for administrative variance relief. State records in this case show the property is not the owners' principal residence. As such, a public hearing is usually required in this scenario.

We're unable to process your request as an administrative variance unless your clients **sign the attached Affidavit with notary seal**, attesting to the fact that this is their primary residence, and they reside at this address year round. Otherwise, a public hearing would be necessary.

Sincerely,

A handwritten signature in black ink, appearing to read "JEB", with a long, sweeping horizontal line extending to the right.

JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB:dlw
Attachment

IN RE: PETITION FOR ADMIN. VARIANCE *

3rd Election District

2nd Councilmanic District *

(3423 Terrapin Road) *

Moshe & Muriel Assouoline Shoshan *

Petitioners *

BEFORE THE OFFICE OF

ADMINISTRATIVE HEARINGS

FOR

BALTIMORE COUNTY

Case No. 2018-0249-A

* * * * *

AFFIDAVIT

We, Moshe and Muriel Assouoline Shoshan, are over the age of 18 and have personal knowledge of and are competent to testify to the following:

1. The residence at 3423 Terrapin Road, 21208 is owned by Moshe and Muriel Assouoline Shoshan. No other person or entity has an interest in the operation and/or affairs of 3423 Terrapin Road, 21208.
2. We reside year round and actually occupy the property known as 3423 Terrapin Road, 21208, and consider this to be our principal residence.

We solemnly affirm under the penalties of perjury and upon personal knowledge that the contents of the foregoing paper are true.

Date

Moshe Shoshan

Date

Muriel Assouoline Shoshan

IN RE: PETITION FOR ADMIN. VARIANCE *

3rd Election District

2nd Councilmanic District *

(3423 Terrapin Road) *

Moshe & Muriel Assouoline Shoshan *

Petitioners *

BEFORE THE OFFICE OF

ADMINISTRATIVE HEARINGS

FOR

BALTIMORE COUNTY

Case No. 2018-0249-A

* * * * *

AFFIDAVIT

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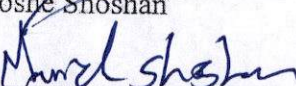
5-7-18

Date

5-7-18

Date


Moshe Shoshan


Muriel Assouoline Shoshan

RECEIVED

MAY 07 2018

OFFICE OF
ADMINISTRATIVE HEARINGS

Kelly M Benton

Kelly M Benton

My Commission expires: 7.10.2027



CASE NO. 2018- 0249-A

CHECKLIST

<u>Comment Received</u>	<u>Department</u>	<u>Support/Oppose/ Conditions/ Comments/ No Comment</u>
_____	DEVELOPMENT PLANS REVIEW (if not received, date e-mail sent _____)	_____
<u>3-28</u>	DEPS (if not received, date e-mail sent _____)	<u>NC</u>
_____	FIRE DEPARTMENT	_____
_____	PLANNING (if not received, date e-mail sent _____)	_____
<u>3-26</u>	STATE HIGHWAY ADMINISTRATION	<u>No objection</u>
_____	TRAFFIC ENGINEERING	_____
_____	COMMUNITY ASSOCIATION	_____
_____	ADJACENT PROPERTY OWNERS	_____

Code
 ZONING VIOLATION (Case No. GB 180055 Insp. Scott Kidd)
 PRIOR ZONING (Case No. Breezeway/poss. garage appear to be built w/o permits)

N/A per Carol Richards

NEWSPAPER ADVERTISEMENT Date: _____

SIGN POSTING Date: 3-30-18 by O'Keefe

PEOPLE'S COUNSEL APPEARANCE	Yes	☐	No	☐
PEOPLE'S COUNSEL COMMENT LETTER	Yes	☐	No	☐

Comments, if any: _____

Debra Wiley

From: John E. Beverungen
Sent: Tuesday, April 24, 2018 10:43 AM
To: Debra Wiley
Subject: FW: 3423 Terrapin Road/Citation No. CB1800055 (3423 Terrapin Rd)

For the file

From: Jason Vettori [mailto:jvettori@sgs-law.com]
Sent: Monday, April 23, 2018 4:27 PM
To: John E. Beverungen <jbeverungen@baltimorecountymd.gov>
Subject: FW: 3423 Terrapin Road/Citation No. CB1800055 (3423 Terrapin Rd)



Mr. Beverungen,

Last week, my office called over to Zoning Review to ascertain whether anyone had requested a public hearing regarding the above referenced matter. My staff was informed that no written request for a public hearing nor any filing fee was timely received. However, it was conveyed to me that an e-mail I sent to Mr. Aaron Tsui was included in the file. I thought the e-mail might cause some questions so I will endeavor to address the issue.

Zoning Review, among the numerous policies it has, liberally decides which cases which originated with an alleged violation can obtain zoning relief. A review of the applicable law is in order. BCC § 32-3-303 sets forth the authority for the Administrative Law Judge to grant variances from area and height regulations without a public hearing for owner-occupied lots which are zoned residential. The aforementioned Code section is silent regarding any prohibition regarding the processing of variance relief if there is an active zoning violation citation. BCC § 32-4-114(c) prohibits the county from processing plans or permits for a proposed development if the applicant owns or has an interest in property which is in violation of the zoning or development regulations of the county (so this would apply to administrative variances as well as variances being sought via a public hearing).

My client began enclosing an existing carport without having obtained a proper permit. The Inspector issued a correction notice and, later, a citation. I was retained and discussed the situation with the Inspector. The Inspector (as cryptically referenced in the below e-mail exchange) withdrew the citation setting forth the alleged violation and the instant request for an administrative variance was filed. The particulars of what had transpired were discussed with Carl Richards, Chief of Zoning Review. He agreed that I could file for an administrative variance. I had a filing appointment with Aaron Tsui. He accepted the administrative variance petition. Apparently at some point he received a phone call from some unidentified individual (presumably the person who reported my client in the first place regarding the work being done without a permit). Mr. Tsui in turn called me to discuss. I cited the law and told him how I had spoken with Mr. Richards regarding the matter. Despite the fact that the zoning checklist states that the administrative variance process is not available if there is an active zoning violation on the subject property and the affidavit in support of administrative variance provides that the property owner must authenticate that the "property is not under an active zoning violation citation", given the fact that the Inspector has withdrawn the citation and Mr. Richards has allowed the administrative zoning petition to be filed, the particular facts of this case, coupled with the fact that the supposed violation is merely an allegation at this point, it seems appropriate that no public hearing is needed to resolve the instant request to enclose an existing carport on my client's property.

Clearly the unnamed individual who was making calls to zoning review had some familiarity with the county's process and could easily have availed him or herself of the opportunity to request a public hearing. Thank you for your consideration of this most important matter.

Jason T. Vettori

SMITH, GILDEA & SCHMIDT, LLC

600 Washington Avenue | Suite 200 | Towson, MD 21204 | (410) 821-0070

jvettori@sgs-law.com | www.sgs-law.com

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From: Scott Kidd [<mailto:skidd@baltimorecountymd.gov>]

Sent: Tuesday, March 13, 2018 2:52 PM

To: Jason Vettori

Subject: RE: 3423 Terrapin Road/Citation No. CB1800055 (3423 Terrapin Rd)

Good afternoon,

You are correct. There is no citation hearing scheduled for the owner of 3423 Terrapin Dr. So long as you can keep me updated, I will not be moving forward with a citation. Thank you.

Sincerely,

Scott Kidd

From: Jason Vettori [<mailto:jvettori@sgs-law.com>]

Sent: Thursday, March 08, 2018 6:16 PM

To: Scott Kidd <skidd@baltimorecountymd.gov>

Cc: Moshe Shoshan (moshe@foreverwireless.net) <moshe@foreverwireless.net>; Kelly Benton <kbenton@sgs-law.com>

Subject: 3423 Terrapin Road/Citation No. CB1800055 (3423 Terrapin Rd)

Inspector Kidd,

Attached please find the petition for administrative variance that I have prepared for Mr. Shoshane. I have scheduled a filing appointment for the earliest available date, which is Monday, March 19, 2018 at 10:00 a.m.

On or about Wednesday, February 21, 2018 8:06 AM you notified me that "3423 Terrapin Rd. is no longer under a citation, however the violation still stands."

I am writing to(1) notify you of the progress being made toward obtaining the necessary relief to obtain a lawful building permit and (2) to confirm that since there is no longer an active citation (only a violation) that the hearing previously scheduled on the citation will not be taking place on Tuesday, March 20, 2018 and therefore we do not need to appear at same.

Thanks for your continuing assistance in this regard.

Jason T. Vettori

SMITH, GILDEA & SCHMIDT, LLC

600 Washington Avenue | Suite 200 | Towson, MD 21204 | (410) 821-0070

jvettori@sgs-law.com | www.sgs-law.com



Department of Permits, Approvals & Inspections Complaint Report

Record Id: CB1800055

<u>Record ID</u>	<u>Assigned To</u>	<u>Assigned Date</u>	<u>Received Date</u>	<u>Status</u>	<u>Compliance Date</u>	<u>Hearing Date</u>
CB1800055	Scott Kidd	01/22/2018	01/22/2018	Monitor	04/19/2018	

Complaint Description: Building structures ... garage, without permits.

Property

3423 TERRAPIN RD
PIKESVILLE, MD 21208-3128
Tax Id: 0313042060

Owner

SHOSHAN MOSHE ASSOULINE-SHOSHAN MURIEL
3423 TERRAPIN RD
BALTIMORE, MD 21208-3128

Complainant

Dorothy Potler
3315 Terrapin Road
Pikesville MD, 21208
410-486-2099
arnoldpotter@comcast.net

Inspection Details

<u>Inspector</u>	<u>Date</u>	<u>Service</u>	<u>Result</u>	<u>Action</u>	<u>Complied On</u>
Scott Kidd	01/24/2018	Initial Inspection	Correction Notice Issued	Correction Notice Issued	
Scott Kidd	02/06/2018	Re-Inspection	Monitor	Monitor	
Scott Kidd	03/13/2018	Re-Inspection	Monitor	Monitor	
Scott Kidd	03/20/2018	Re-Inspection	Monitor	Monitor	
Scott Kidd		Re-Inspection	Scheduled		

Lien Information - No Lien

Comments Detail

1/29/2018: Onsite visit on 01/23/18 - a breezeway & possibly new garage appear to have been built without permits. Issued **Correction Notice** to obtain permit for garage & roof over sidewalk. Post on site and mailed to owner. R/C 02/02/18. ***SK/sph

1/26/18 Called complainant on behalf of A. Jablon. Make sure we respond with updates. ***GB/lk

2/6/2018: Attorney Jason Vettori contacted me on behalf of homeowner and discussed situation. Homeowner informed to procure a building permit within 60 days. R/C 04/02/18. ***SK/sph

3/14/2018: A filing appointment for zoning is scheduled for 03/19/18. Complainant has been notified. R/C 03/20/18. ***TSK/sph

3/20/2018: Site will be posted with a zoning relief request sign from April 1 through April 16. R/C 04/20/18. ***TSK/sph



Image capture: Jul 2012 © 2018 Google

Pikesville, Maryland

Google, Inc.

Street View - Jul 2012

2018-0249-A

Google Maps 3417 Terrapin Rd



Image capture: Jul 2012 © 2018 Google

Pikesville, Maryland

 Google, Inc.

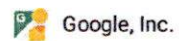
Street View - Jul 2012

2018-0249-A



Image capture: Jul 2012 © 2018 Google

Pikesville, Maryland



Street View - Jul 2012

2018-0249-A

Google Maps



Map data ©2018 Google 20 ft

2018-0249-A

Real Property Data Search (w1)

Search Result for BALTIMORE COUNTY

View Map		View GroundRent Redemption		View GroundRent Registration	
Account Identifier:		District - 03 Account Number - 0313042060			
Owner Information					
Owner Name:	SHOSHAN MOSHE ASSOULINE-SHOSHAN MURIEL		Use: Principal Residence:	RESIDENTIAL NO	
Mailing Address:	3423 TERRAPIN RD BALTIMORE MD 21208-3128		Deed Reference:	/26184/ 00340	
Location & Structure Information					
Premises Address:		3423 TERRAPIN RD BALTIMORE 21208-0000		Legal Description: 3423 TERRAPIN RD DUMBARTON HEIGHTS	
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section:
0068	0022	0194		0000	4
Block:	Lot:	Assessment Year:	Plat No:	Plat Ref:	
A	28	2017		0026/ 0044	
Special Tax Areas:			Town: NONE		
Ad Valorem:			Tax Class:		
Primary Structure Built	Above Grade Living Area	Finished Basement Area	Property Land Area	County Use	
1960	2,036 SF	720 SF	23,632 SF	04	
Stories	Basement	Type	Exterior	Full/Half Bath	Garage
1	NO	STANDARD UNIT	BRICK	2 full/ 1 half	1 Carport
Last Major Renovation					
Value Information					
Base Value		Value		Phase-in Assessments	
		As of		As of	
		01/01/2017		07/01/2017	
				As of	
				07/01/2018	
Land:	113,000	113,000			
Improvements	191,200	191,200			
Total:	304,200	304,200		304,200	304,200
Preferential Land:	0				0
Transfer Information					
Seller: PEAK JAMES R		Date: 09/19/2007		Price: \$319,000	
Type: NON-ARMS LENGTH OTHER		Deed1: /26184/ 00340		Deed2:	
Seller: PACHINO HERSEL R		Date: 06/25/2001		Price: \$219,000	
Type: ARMS LENGTH IMPROVED		Deed1: /15332/ 00154		Deed2:	
Seller: MELNICK IRVING F		Date: 02/28/1973		Price: \$63,000	
Type: ARMS LENGTH IMPROVED		Deed1: /05339/ 00517		Deed2:	
Exemption Information					
Partial Exempt Assessments:	Class	07/01/2017		07/01/2018	
County:	000	0.00			
State:	000	0.00			
Municipal:	000	0.00 0.00		0.00 0.00	
Tax Exempt:	Special Tax Recapture:				
Exempt Class:	NONE				
Homestead Application Information					
Homestead Application Status: No Application					
Homeowners' Tax Credit Application Information					

* SEE NEXT PAGE →

2018-0249-A

State of Maryland Land Instrument Intake Sheet

[] Baltimore City [X] County: Baltimore
 Information provided is for the use of the Clerk's Office and State Department of
 Assessments and Taxation, and the County Finance Office only.
 (Type or Print in Black Ink Only All Copies Must Be Legible)

INSTRUMENT # 28.00
 RECORDING FEE 28.00
 TR TAX STATE 1,595.00
 TOTAL 1,635.00
 REG # 1005 Rpt # 17664
 SM LL Blk # 2096
 Ser 19, 2007 11:02 am

1	Type(s) of Instruments	☒ Deed ☐ Mortgage ☐ Other ☐ Deed of Trust ☐ Lease ☐ Other ☒ Improved Sale ☐ Unimproved Sale ☐ Multiple ☐ Not an Arms- Arms-Length [1] Arms-Length [2] Arms Length [3] Length Sale [9]																																							
2	Conveyance Check Box																																								
3	Tax Exemptions (if Applicable)	Recordation State Transfer County Transfer																																							
4	Consideration and Tax Calculations	<table border="1"> <thead> <tr> <th>Consideration</th> <th>Amount</th> <th colspan="2">Finance Office Use Only</th> </tr> </thead> <tbody> <tr> <td>Purchase Price/Consideration</td> <td>\$ 319,000.00</td> <td colspan="2">Transfer and Recordation Tax Consideration</td> </tr> <tr> <td>Any New Mortgage</td> <td>\$ 234,000.00</td> <td>Transfer Tax Consideration</td> <td>\$</td> </tr> <tr> <td>Balance of Existing Mortgage</td> <td>\$</td> <td>x () %</td> <td>\$</td> </tr> <tr> <td>Other:</td> <td>\$</td> <td>Less Exemption/Amount</td> <td>\$</td> </tr> <tr> <td>Other:</td> <td>\$</td> <td>Total Transfer Tax</td> <td>\$</td> </tr> <tr> <td>Full Cash Value</td> <td>\$ 319,000.00</td> <td>Recordation Tax Consideration</td> <td>\$</td> </tr> <tr> <td></td> <td></td> <td>x () per \$500</td> <td>\$</td> </tr> <tr> <td></td> <td></td> <td>TOTAL DUE</td> <td>\$</td> </tr> </tbody> </table>				Consideration	Amount	Finance Office Use Only		Purchase Price/Consideration	\$ 319,000.00	Transfer and Recordation Tax Consideration		Any New Mortgage	\$ 234,000.00	Transfer Tax Consideration	\$	Balance of Existing Mortgage	\$	x () %	\$	Other:	\$	Less Exemption/Amount	\$	Other:	\$	Total Transfer Tax	\$	Full Cash Value	\$ 319,000.00	Recordation Tax Consideration	\$			x () per \$500	\$			TOTAL DUE	\$
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Other	\$	\$																																							
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6	Description of Property	District: 03 Property Tax ID No.(1): 0313042060 Grantor Liber/Folio: 15332/154 Map: Parcel No.: Var. LOG: (5) Subdivision Name: Lot (3a): Block (3b): Sect./AR (3c): Plat Ref.: SqFu/Acreage (4): Location/Address of Property Being Conveyed (2): 3423 Terrapin Road, Pikesville, MD 21208 Other Property Identifiers (if applicable): Water Meter Account No.: Residential [X] or Non-Residential [] Fee Simple [X] or Ground Rent [] Amount: \$N/A Partial Conveyance? [] Yes [X] No Description/Amt. of SqFu/Acreage Transferred: N/A If Partial Conveyance, List Improvements Conveyed: N/A																																							
7	Transferred From	Doc. 1 - Grantor(s) Name(s): James R. Peak Doc. 2 - Grantor(s) Name(s): Moshe Shoshan Muriel Assouline-Shoshan Doc. 1 - Owner(s) of Record, if Different from Grantor(s): Doc. 2 - Owner(s) of Record, if Different from Grantor(s):																																							
8	Transferred To	Doc. 1 - Grantee(s) Name(s): Moshe Shoshan Muriel Assouline-Shoshan Doc. 2 - Grantee(s) Name(s): Worldwide Title Group, LLC New Owner's (Grantee) Mailing Address: 3423 Terrapin Road, Pikesville, MD 21208																																							
9	Other Names to Be Indexed	Doc. 1 - Additional Names to be Indexed (Optional): Doc. 2 - Additional Names to be Indexed (Optional): Taylor, Bean & Whitaker Mortgage Corp.																																							
10	Contact/Mail Information	Instrument Submitted By or Contact Person Name: Sherri Bradley Firm: WorldWide Title Group, LLC Address: The Executive Centre, 6 Reservoir Circle, Suite 203, Baltimore, MD 21208 Phone: Telephone: 410-484-9001 Fax: 410-484-9007 ☐ Return to Contact Person ☐ Hold for Pickup ☒ Return Address Provided																																							
11	IMPORTANT: BOTH THE ORIGINAL DEED AND A PHOTOCOPY MUST ACCOMPANY EACH TRANSFER	Assessment Information: ☒ Yes ☐ No Will the property being conveyed be the grantee's principal residence? ☐ Yes ☒ No Does transfer include personal property? If yes, identify: ☒ Yes ☐ No Was property surveyed? If yes, attach copy of survey (if recorded, no copy required)																																							
Assessment Use Only - Do Not Write Below This Line Terminal Verification [] Agricultural Verification [] Whole [] Part [] Tran. Process Verification [] Transfer Number: Date Received: Deed Reference: Assigned Property No.: Year of: Zoning: Map: Block: Land: Grid: Director of Budget and Finance Buildings: Use: Parcel: BALTIMORE COUNTY, MARYLAND Total: Town Cd: Ex. St. Ex. C.Y.P. ART 12-100 REMARKS:																																									
DOC # 3 4 5 6 Initial: <i>LS</i> Date: 9/19/07																																									

BALTIMORE COUNTY CIRCUIT COURT (Land Records) SM 26184, p. 0345, USA_CE62_26039, Date available 09/24/2007, Printed 03/19/2018.

DUPLICATE PAID RECEIPT

2018-0249-A WTG-3620MK

Real Property Data Search

Search Result for BALTIMORE COUNTY

View Map		View GroundRent Redemption		View GroundRent Registration	
Account Identifier:		District - 03 Account Number - 0313042060			
Owner Information					
Owner Name:	SHOSHAN MOSHE ASSOULINE-SHOSHAN MURIEL		Use:	RESIDENTIAL NO	
Mailing Address:	3423 TERRAPIN RD BALTIMORE MD 21208-3128		Deed Reference:	/26184/ 00340	
Location & Structure Information					
Premises Address:		3423 TERRAPIN RD BALTIMORE 21208-0000		Legal Description: 3423 TERRAPIN RD DUMBARTON HEIGHTS	
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section:
0068	0022	0194		0000	4
Block:	Lot:	Assessment Year:	Plat No:	Plat Ref:	
A	28	2017		0026/0044	
Special Tax Areas:			Town: NONE		
			Ad Valorem:		
			Tax Class:		
Primary Structure Built	Above Grade Living Area	Finished Basement Area	Property Land Area	County Use	
1960	2,036 SF	720 SF	23,632 SF	04	
Stories	Basement	Type	Exterior	Full/Half Bath	Garage
1	NO	STANDARD UNIT	BRICK	2 full/ 1 half	1 Carport
Value Information					
		Base Value	Value	Phase-in Assessments	
			As of 01/01/2017	As of 07/01/2017	As of 07/01/2018
Land:		113,000	113,000		
Improvements		191,200	191,200		
Total:		304,200	304,200	304,200	304,200
Preferential Land:		0			0
Transfer Information					
Seller: PEAK JAMES R		Date: 09/19/2007		Price: \$319,000	
Type: NON-ARMS LENGTH OTHER		Deed1: /26184/ 00340		Deed2:	
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Seller: MELNICK IRVING F		Date: 02/28/1973		Price: \$63,000	
Type: ARMS LENGTH IMPROVED		Deed1: /05339/ 00517		Deed2:	
Exemption Information					
Partial Exempt Assessments:	Class	07/01/2017		07/01/2018	
County:	000	0.00			
State:	000	0.00			
Municipal:	000	0.00 0.00		0.00 0.00	
Tax Exempt:	Special Tax Recapture:				
Exempt Class:	NONE				
Homestead Application Information					
Homestead Application Status: No Application					
Homeowners' Tax Credit Application Information					

Homeowners' Tax Credit Application Status: No Application

Date:

ZAC AGENDA

Case Number: 2018-0248-A **Reviewer:** Gary Hucik

Existing Use: RESIDENTIAL **Proposed Use:**

Type: ADMINISTRATIVE VARIANCE

Legal Owner: Gerald Paul & Cecile Pamintuan Marin

Contract Purchaser: No Contract Purchaser was set.

Critical Area: No **Flood Plain:** No **Historic:** No **Election Dist:** 11 **Council Dist:** 6

Property Address: 5808 DILLON JOHN CT

Location: NE/S of Dillon John Court, +/- 345 ft. SE of the centerline of Hamilton Place

Existing Zoning: DR 2

Area: 7,927 SQ. FT.

Proposed Zoning:

ADMINISTRATIVE VARIANCE:

To permit a proposed deck with a rear setback of 19 ft. in lieu of the required 30 ft. and to amend lot #21 for Oelke Property FDP.

Attorney: Not Available

Prior Zoning Cases: None

Concurrent Cases: None

Violation Cases: None

Closing Date: 04/16/2018

Miscellaneous Notes:

Case Number: 2018-0249-A **Reviewer:** Aaron Tsui

Existing Use: RESIDENTIAL **Proposed Use:**

Type: ADMINISTRATIVE VARIANCE

Legal Owner: Moshe & Muriel Assouline Shoshan

Contract Purchaser: No Contract Purchaser was set.

Critical Area: No **Flood Plain:** No **Historic:** No **Election Dist:** 3 **Council Dist:** 2

Property Address: 3423 TERRAPIN RD

Location: S/S of Terrapin Road, 38 ft. W of the centerline of Winterset Avenue

Existing Zoning: DR 2

Area: 23,632 SQ. FT.

Proposed Zoning:

ADMINISTRATIVE VARIANCE:

1. For the side yard width to the west to be 12 ft. in lieu of the minimum width of an individual side yard of 15 ft.
2. For the sum of the width of the side yards to be 33 ft. in lieu of the minimum sum of 40 ft.
3. For the existing lot width of the front yard of 92 ft. in lieu of the minimum lot width of 100 ft.

Attorney: Jason T Vettori, 600 Washington Avenue, Suite 200, Towson MD 21204

Prior Zoning Cases: None

Concurrent Cases: None

Violation Cases: None

Closing Date: 04/16/2018

Miscellaneous Notes:

Debra Wiley

From: Jason Vettori <jvettori@sgs-law.com>
Sent: Monday, April 30, 2018 2:23 PM
To: Debra Wiley
Subject: RE: Case No. 2018-0249-A

Debbie,

My client is still trying to find time when he and his wife can both come in to my office to sign the affidavit so we can get it notarized. On Friday, he said he would try and make it in today. I will let you know as soon as I have the executed affidavit. Thanks.

Jason T. Vettori
SMITH, GILDEA & SCHMIDT, LLC
600 Washington Avenue | Suite 200 | Towson, MD 21204 | (410) 821-0070
jvettori@sgs-law.com | www.sgs-law.com

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From: Debra Wiley [mailto:dwiley@baltimorecountymd.gov]
Sent: Thursday, April 26, 2018 1:37 PM
To: Jason Vettori
Subject: RE: Case No. 2018-0249-A

Jason,

We will require the original before the Order can be released but if you email me the copy I can start working on it to make the process a little faster.

Thanks.

From: Jason Vettori [mailto:jvettori@sgs-law.com]
Sent: Thursday, April 26, 2018 1:30 PM
To: Debra Wiley <dwiley@baltimorecountymd.gov>
Subject: Case No. 2018-0249-A

Debbie,

I received the attached in the mail today. I have spoken with my client and he confirmed that the subject site is owner occupied. He understands the issue and has indicated that he and his wife will go to a local bank and have their signatures notarized tomorrow. He will then scan and e-mail the notarized affidavit to me (at which point I will forward it to you). I just wanted to ascertain whether you still want me to walk over the original once I receive it in the mail (if Mr. Beverungen will not sign the order until he has the original then I will get him to overnight it to me versus sending it by regular mail). Thanks.

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600 Washington Avenue | Suite 200 | Towson, MD 21204 | (410) 821-0070
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Debra Wiley

From: Jason Vettori <jvettori@sgs-law.com>
Sent: Thursday, April 26, 2018 1:30 PM
To: Debra Wiley
Subject: Case No. 2018-0249-A
Attachments: Affidavit re owner occupied status.PDF

Debbie,

I received the attached in the mail today. I have spoken with my client and he confirmed that the subject site is owner occupied. He understands the issue and has indicated that he and his wife will go to a local bank and have their signatures notarized tomorrow. He will then scan and e-mail the notarized affidavit to me (at which point I will forward it to you). I just wanted to ascertain whether you still want me to walk over the original once I receive it in the mail (if Mr. Beverungen will not sign the order until he has the original then I will get him to overnight it to me versus sending it by regular mail). Thanks.

Jason T. Vettori
SMITH, GILDEA & SCHMIDT, LLC
600 Washington Avenue | Suite 200 | Towson, MD 21204 | (410) 821-0070
jvettori@sgs-law.com | www.sgs-law.com

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KEVIN KAMENETZ
County Executive

LAWRENCE M. STAHL
Managing Administrative Law Judge
JOHN E. BEVERUNGEN
Administrative Law Judge

April 23, 2018

Jason t. Vettori, Esq.
Smith, Gildea & Schmidt
600 Washington Avenue, Suite 200
Towson, MD 21204

Re: Petition for Administrative Variance
Case No. 2018-0249-A
Property: 3423 Terrapin Road, 21208

Dear Mr. Vettori:

I am writing in regard to the above captioned matter, wherein an administrative variance has been requested. The Baltimore County Code ("BCC") requires that a property be **owner occupied** in order to qualify for administrative variance relief. State records in this case show the property is not the owners' principal residence. As such, a public hearing is usually required in this scenario.

We're unable to process your request as an administrative variance unless your clients **sign the attached Affidavit with notary seal**, attesting to the fact that this is their primary residence, and they reside at this address year round. Otherwise, a public hearing would be necessary.

Sincerely,

A handwritten signature in black ink, appearing to read "JEB", with a long horizontal flourish extending to the right.

JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB:dlw
Attachment

IN RE: PETITION FOR ADMIN. VARIANCE *

3rd Election District

2nd Councilmanic District *

(3423 Terrapin Road) *

Moshe & Muriel Assouline Shoshan

Petitioners *

BEFORE THE OFFICE OF

ADMINISTRATIVE HEARINGS

FOR

BALTIMORE COUNTY

Case No. 2018-0249-A

* * * * *

AFFIDAVIT

We, Moshe and Muriel Assouline Shoshan, are over the age of 18 and have personal knowledge of and are competent to testify to the following:

1. The residence at 3423 Terrapin Road, 21208 is owned by Moshe and Muriel Assouline Shoshan. No other person or entity has an interest in the operation and/or affairs of 3423 Terrapin Road, 21208.
2. We reside year round and actually occupy the property known as 3423 Terrapin Road, 21208, and consider this to be our principal residence.

We solemnly affirm under the penalties of perjury and upon personal knowledge that the contents of the foregoing paper are true.

Date

Moshe Shoshan

Date

Muriel Assouline Shoshan

Aaron K Tsui

From: Jason Vettori <jvettori@sgs-law.com>
Sent: Tuesday, April 03, 2018 3:09 PM
To: Aaron K Tsui
Subject: FW: 3423 Terrapin Road/Citation No. CB1800055 (3423 Terrapin Rd)

I'm going to call you. I have spoken to Carl about this twice and I would like to quote the law for you.

Jason T. Vettori
SMITH, GILDEA & SCHMIDT, LLC
600 Washington Avenue | Suite 200 | Towson, MD 21204 | (410) 821-0070
jvettori@sgs-law.com | www.sgs-law.com

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* AARON TSUI TALKED TO ATTORNEY JASON VETTORI ON 4/4/18;
* ATTORNEY TALKED TO ZONING SUPERVISOR AND AGREED BY CARL RICHARDS TO MOVE FORWARD WITH AN ADMINISTRATIVE VARIANCE, NO HEARING.

From: Scott Kidd [mailto:skidd@baltimorecountymd.gov]
Sent: Tuesday, March 13, 2018 2:52 PM
To: Jason Vettori
Subject: RE: 3423 Terrapin Road/Citation No. CB1800055 (3423 Terrapin Rd)

Good afternoon,

You are correct. There is no citation hearing scheduled for the owner of 3423 Terrapin Dr. So long as you can keep me updated, I will not be moving forward with a citation. Thank you.

Sincerely,

Scott Kidd

From: Jason Vettori [mailto:jvettori@sgs-law.com]
Sent: Thursday, March 08, 2018 6:16 PM
To: Scott Kidd <skidd@baltimorecountymd.gov>
Cc: Moshe Shoshan (moshe@foreverwireless.net) <moshe@foreverwireless.net>; Kelly Benton <kbenton@sgs-law.com>
Subject: 3423 Terrapin Road/Citation No. CB1800055 (3423 Terrapin Rd)

Inspector Kidd,

Attached please find the petition for administrative variance that I have prepared for Mr. Shoshane. I have scheduled a filing appointment for the earliest available date, which is Monday, March 19, 2018 at 10:00 a.m.

On or about Wednesday, February 21, 2018 8:06 AM you notified me that "3423 Terrapin Rd. is no longer under a citation, however the violation still stands."

I am writing to(1) notify you of the progress being made toward obtaining the necessary relief to obtain a lawful building permit and (2) to confirm that since there is no longer an active citation (only a violation) that the hearing previously scheduled on the citation will not be taking place on Tuesday, March 20, 2018 and therefore we do not need to appear at same.

Thanks for your continuing assistance in this regard.

Jason T. Vettori

SMITH, GILDEA & SCHMIDT, LLC

600 Washington Avenue | Suite 200 | Towson, MD 21204 | (410) 821-0070

jvettori@sgs-law.com | www.sgs-law.com

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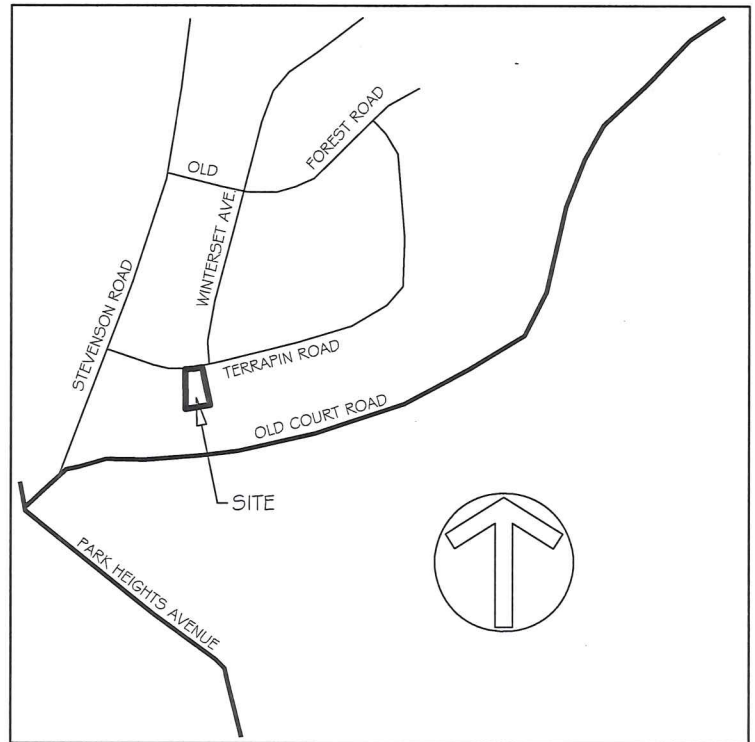


CONNECT WITH BALTIMORE COUNTY



SITE DATA:

- 1) OWNER'S: MOSHE SHOSHAN & MURIEL SHOSHAN-ASSOULINE
- 2) OWNER'S ADDRESS: 3423 TERRAPIN ROAD
BALTIMORE, MARYLAND 21208
- 3) OWNER'S TELEPHONE NO.: 443-722-0712
- 4) TAX ACCOUNT NUMBERS: 0313042060
- 5) TAX MAP: 68 GRID: 22 PARCELS: 194 BLOCK A LOT 28
- 6) DEED REFERENCE: 26184/340
- 7) LOT AREA: 23,632 SF / 0.543 ACRES
- 9) ZONING MAP: 068B3 & 078B1
- 10) ZONING: DR-2
- 11) EXISTING USE: SINGLE FAMILY
- 12) THE SUBJECT PROPERTY DOES NOT LIE WITHIN THE CBCA.
- 13) THE SUBJECT PROPERTY NOT LOCATED WITHIN A 100-YEAR FLOODPLAIN.
- 14) THE SUBJECT PROPERTY NOT LOCATED WITHIN AN HISTORICAL DISTRICT.
- 15) PUBLIC WATER AND SEWER.
- 16) PRIOR HEARINGS: NONE
- 17) 3RD ELECTION DISTRICT
- 18) 2ND COUNCILMANIC DISTRICT



VICINITY MAP
SCALE: 1" = 1,000'

ZONING DESCRIPTION:

BEING LOT 28, BLOCK 'A', SECTION 4IN THE SUBDIVISION KNOW AS "DUMBARTON HEIGHTS" AS RECORDED IN THE BALTIMORE COUNTY PLAT BOOK 26 FOLIO 44 CONTAINING 23,632 SQUARE FEET OR 0.543 ACRES OF LAND. LOCATED IN THE 3RD ELECTION DISTRICT AND 2ND COUNCIL DISTRICT.

SHEET 2 OF 2

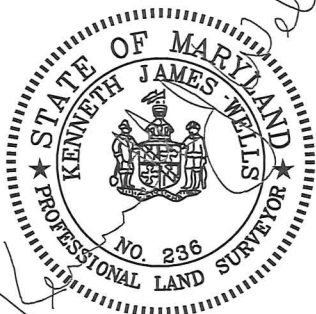
ZONING HEARING
PLAN FOR VARIANCE

DATE: 3/1/2018

kjWellsInc

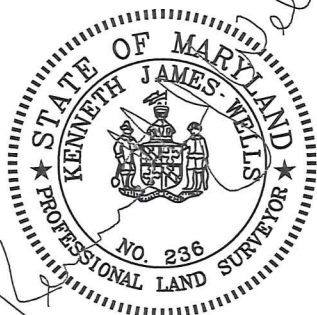
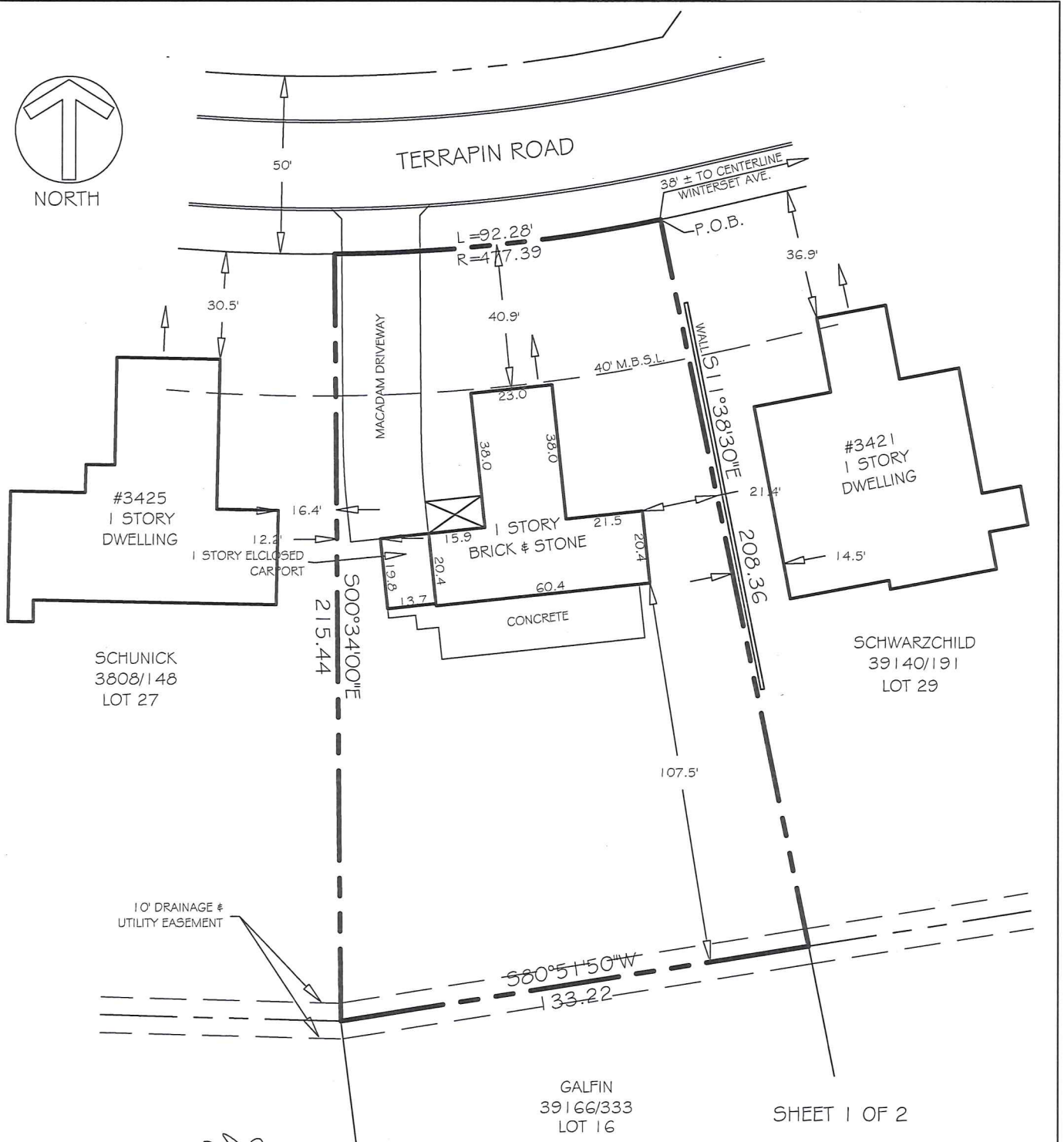
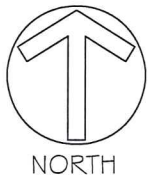
*Land Surveying, Site Planning
& Landscape Architecture*

7403 NEW CUT ROAD
KINGSVILLE, MARYLAND 21087
(410) 592-8800



LICENSE EXPIRATION DATE: 6/11/2019

2018-1249-A



LICENSE EXPIRATION DATE: 6/11/2019

SHEET 1 OF 2

ZONING HEARING PLAN FOR VARIANCE

SCALE: 1" = 40' DATE: 3/1/2018

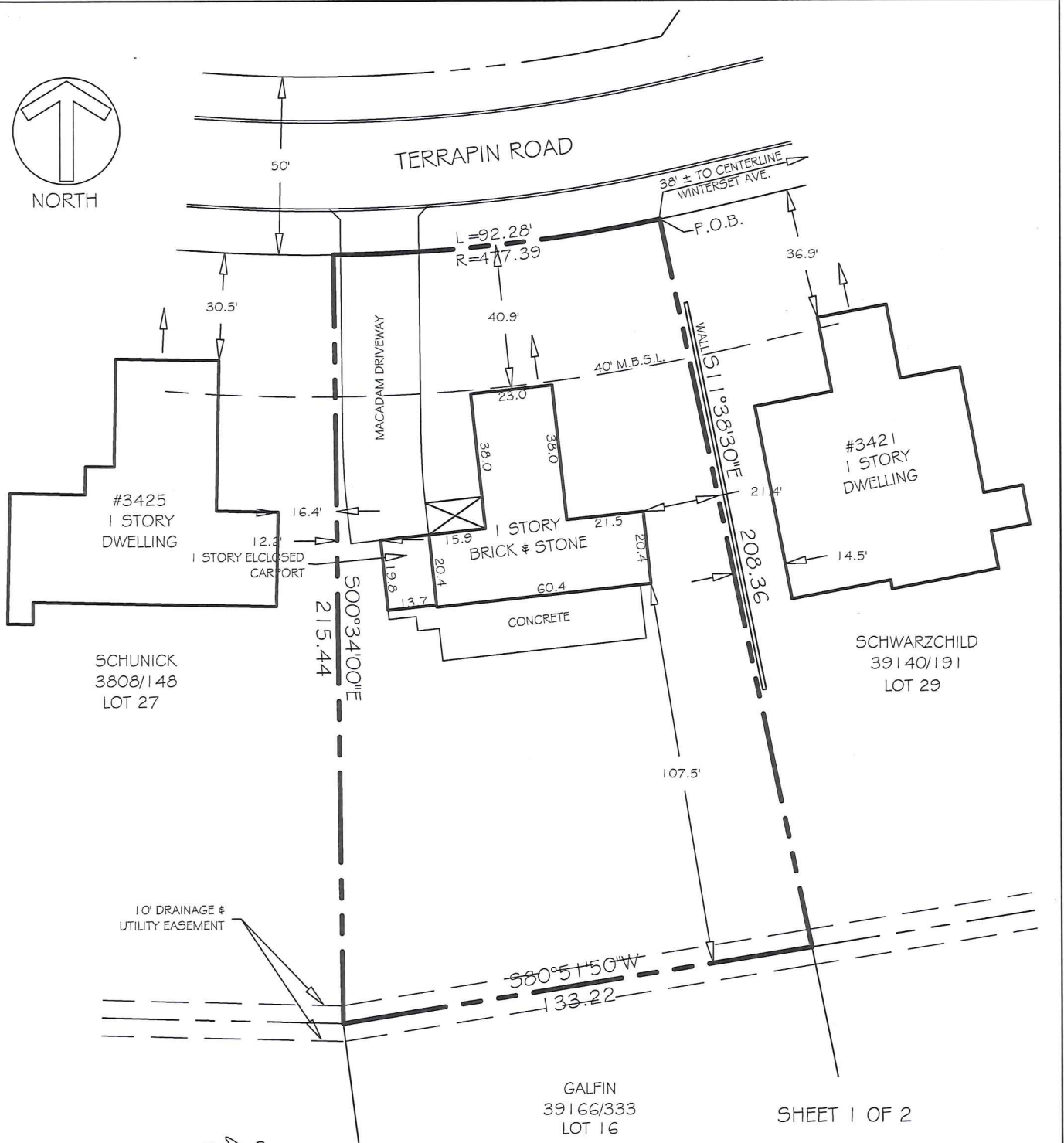
kjWellsInc

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(410) 592-8800

Pet. Ech 1

2018.0249-A



GALFIN
39166/333
LOT 16

SHEET 1 OF 2

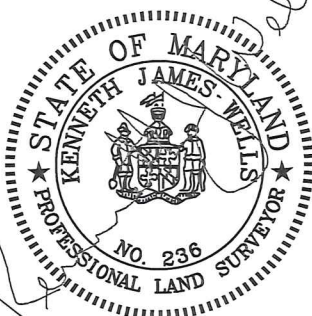
ZONING HEARING PLAN FOR VARIANCE

SCALE: 1" = 40' DATE: 3/1/2018

kjWellsInc

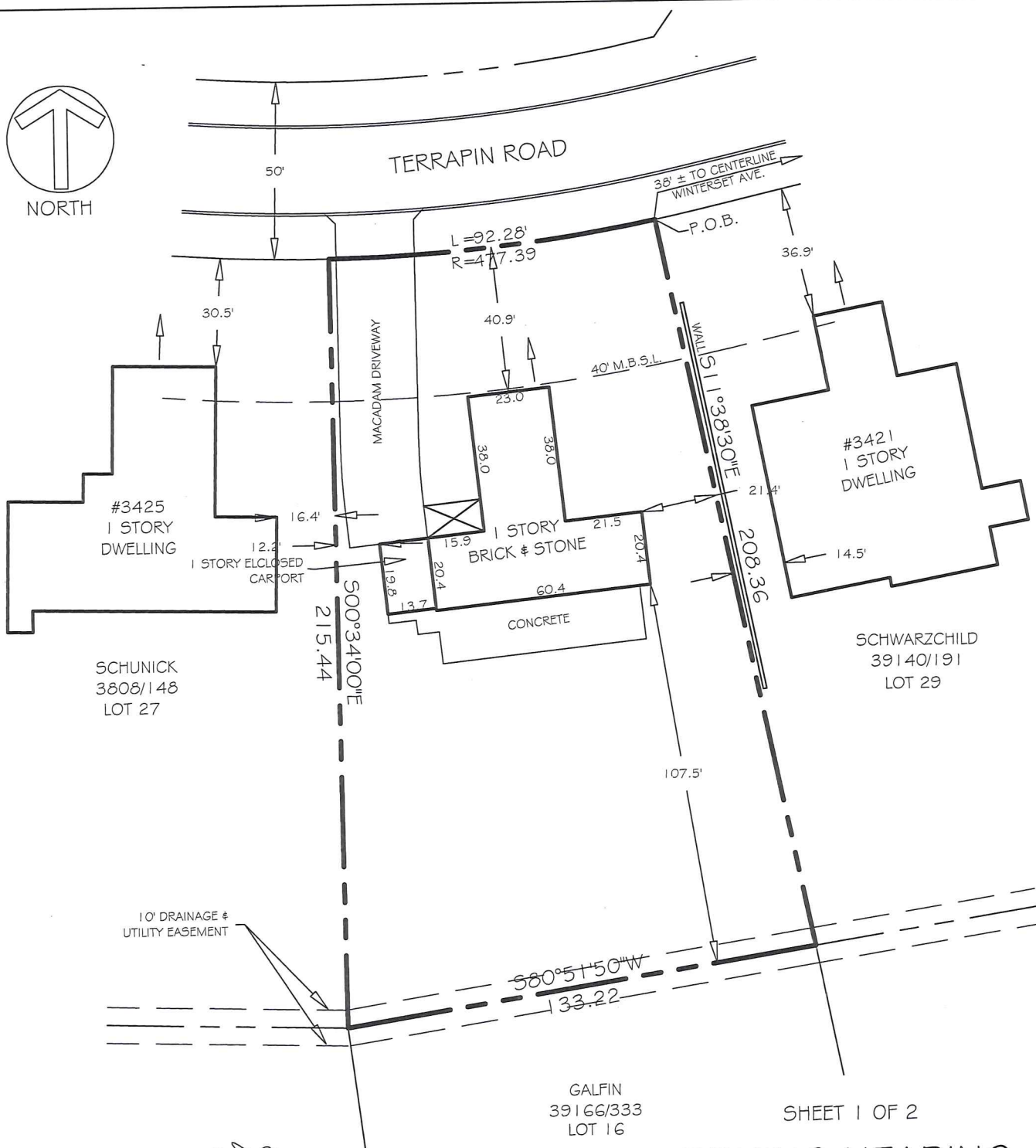
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7403 NEW CUT ROAD
KINGSVILLE, MARYLAND 21087
(410) 592-8800



LICENSE EXPIRATION DATE: 6/11/2019

2018-0249-A



LICENSE EXPIRATION DATE: 6/11/2019

ZONING HEARING PLAN FOR VARIANCE

SCALE: 1" = 40' DATE: 3/1/2018

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2018-0249-A